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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,734	10/16/2003	Enrique David Sancho	2062.001US3	1773

7590 10/21/2005
Schwegman, Lundberg, Woessner & Kluth, P.A.
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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,734	Applicant(s) SANCHO, ENRIQUE DAVID	
	Examiner John M. Winter	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31, 37 and 39 is/are rejected.
- 7) ☒ Claim(s) 32-36, 38 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status

Claims 29-40 are pending

Response to Arguments

The Applicants arguments filed on August 5, 2005 have been fully considered.

The Examiner states that the pending claims are rejected in view of the newly discovered reference Padgett et al (US Patent 6,167,518) in view of Ross (US Patent 6,195,447) .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-31,37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padgett et al (US Patent 6,167,518) in view of Ross (US Patent 6,195,447)

As per claim 29,

Padgett et al ('518) discloses a method for verifying a user and a user computer comprising:

receiving at a first server at least one first message from the user computer,(Figure 1)

Padgett et al ('518) does not explicitly disclose the features of the at least one first message including a first fingerprint file; comparing the first fingerprinting file against a second fingerprint file to verify the user computer, the second fingerprint file accessible by the first server; receiving at a second server at least one second message from the user computer, the at least one second message including a first identification for the user; and comparing the first identification for the user against a second identification for the user to verify the user, the second identification for the user accessible by the second server.

Ross ('447) discloses the at least one first message including a first fingerprint file;(Column 3, lines 56-59) comparing the first fingerprinting file against a second fingerprint file to verify the user computer, the second fingerprint file accessible by the first server; receiving at a second server at least one second message from the user computer, the at least one second message including a first identification for the user; and comparing the first identification for the user against a second identification for the user to verify the user, the second identification for the user accessible by the second server.(Column 4, lines 1-7), (Column 4, lines 25-27) It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

Beetcher et al ('497) discloses the claimed invention except for a second fingerprint file, it would have been obvious to one having ordinary skill in the art at the time the invention was made use a second fingerprint file, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 37 is in parallel with claim 29 and is rejected for at least the same reasons.

As per claim 30,

Padgett et al ('518) discloses the method according to claim 29
Padgett et al ('518) does not explicitly disclose at least one of the first server and the second server is a mini-server. Ross ('447) discloses at least one of the first server and the second server is a mini-server. (Figure 3) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

As per claim 31,

Padgett et al ('518) discloses the method according to claim 29
Padgett et al ('518) does not explicitly disclose wherein the first and second servers are mini-servers. Ross ('447) discloses wherein the first and second servers are mini-servers. (Figure 3) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Padgett et al ('518) method with the Ross ('447) method in order to increase security in systems that utilize fingerprint comparisons without requiring additional hardware costs.

Claim 39 is in parallel with claim 31 and is rejected for at least the same reasons.

Claims 32-36, 38,40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references

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in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW
October 17, 2005

A handwritten signature in black ink, appearing to be 'JMW', with a large, stylized loop at the beginning and several smaller loops and strokes extending to the right.